



**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA-R10-OAR-2016-0003; FRL-9944-83-Region 10]**

**Approval and Promulgation of Implementation Plans; Spokane, Washington: Second 10-Year PM<sub>10</sub> Limited Maintenance Plan**

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** The Environmental Protection Agency (EPA) is approving the limited maintenance plan submitted on January 4, 2016, by the State of Washington for the Spokane area, which includes the cities of Spokane, Spokane Valley, Millwood and surrounding unincorporated areas in Spokane County, Washington. This plan addresses the second 10-year maintenance period for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers (PM<sub>10</sub>). A limited maintenance plan is used to meet Clean Air Act requirements for formerly designated nonattainment areas that meet certain qualification criteria. The EPA determined that Washington's submittal meets the limited maintenance plan criteria. The Spokane area currently has monitored PM<sub>10</sub> levels well below the National Ambient Air Quality Standards (NAAQS) and levels have not increased since the area was redesignated to attainment in 2005. The EPA is also approving minor updates to the Spokane Regional Clean Air Agency (SRCAA) regulations controlling PM<sub>10</sub> related to the maintenance plan.

**DATES:** This final rule is effective **[insert date 30 days after date of publication in the Federal Register]**.

**ADDRESSES:** The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2016-0003. All documents in the docket are listed on the <http://www.regulations.gov>

website. Although listed in the index, some information is not publicly available, e.g., Confidential Business Information (CBI) or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through <http://www.regulations.gov> or in hard copy at the Air Programs Unit, Office of Air, Waste and Toxics, EPA Region 10, 1200 Sixth Avenue, Seattle, WA, 98101. The EPA requests that if at all possible, you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** For information please contact Jeff Hunt at (206) 553-0256, [hunt.jeff@epa.gov](mailto:hunt.jeff@epa.gov), or by using the above EPA, Region 10 address.

## **SUPPLEMENTARY INFORMATION:**

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### **I. Background Information**

On February 26, 2016, the EPA proposed to approve the limited maintenance plan submitted by the State of Washington, on January 4, 2016, for the Spokane PM<sub>10</sub> area, including minor regulatory changes associated with the limited maintenance plan (81 FR 9793). An explanation of the Clean Air Act requirements, a detailed analysis of the submittal, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking, and

will not be restated here. The public comment period for this proposed rule ended on March 28, 2016. The EPA received no comments on the proposal.

## **II. Final Action**

The EPA is approving the limited maintenance plan submitted by the State of Washington, on January 4, 2016, for the Spokane PM<sub>10</sub> area. The EPA's approval of this limited maintenance plan satisfies the Clean Air Act requirements for the second 10-year period in the Spokane PM<sub>10</sub> area. Additionally, the EPA is approving and incorporating by reference updated versions of supporting regulations, specifically SRCAA Regulation I, sections 6.05, 6.14, and 6.15. These regulatory changes update and clarify the general PM<sub>10</sub> control measures, including minor revisions to the emission reduction strategies for both paved and unpaved roads.

## **III. Incorporation by Reference**

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of the regulations described in the amendments to 40 CFR part 52 set forth below. The EPA has made, and will continue to make, these documents generally available electronically through <http://www.regulations.gov> and/or in hard copy at the appropriate EPA office (see the **ADDRESSES** section of this preamble for more information).

## **IV. Statutory and Executive Orders Review**

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Clean Air Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action

merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a “significant regulatory action” subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and

- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because it will not impose substantial direct costs on tribal governments or preempt tribal law. This SIP revision is not approved to apply in Indian reservations in the State or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. Consistent with EPA policy, the EPA provided a consultation opportunity to the Spokane Tribe in a letter dated May 21, 2015. The EPA did not receive a request for consultation.

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[Insert date 60 days after date of publication in the Federal Register]**. Filing a petition for reconsideration by the

Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

April 1, 2016.

Dated:

Dennis J. McLerran,  
Regional Administrator,  
Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

**PART 52 - APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS**

1. The authority citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

**Subpart WW – Washington**

2. In § 52.2470:

- a. Amend paragraph (c), Table 9 “Additional Regulations Approved for Spokane Regional Clean Air Agency (SRCAA) Jurisdiction “, by revising entries “6.05”, “6.14”, and “6.15”.
- b. Amend paragraph (e), Table 2 “Attainment, Maintenance, and Other Plans”, by adding an entry to the end of the table.

The revisions and addition read as follows:

**§ 52.2470 Identification of plan.**

\* \* \* \* \*

(c) \* \* \*

**TABLE 9—ADDITIONAL REGULATIONS APPROVED FOR THE SPOKANE  
REGIONAL CLEAN AIR AGENCY (SRCAA) JURISDICTION**

[Applicable in Spokane County, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173-400-700, 173-405-012, 173-410-012, and 173-415-012]

State / local citation	Title/subject	State / local effective date	EPA approval date	Explanations
<b>Spokane Regional Clean Air Agency Regulations</b>				
<b>Regulation I - Article VI - Emissions Prohibited</b>				
6.05	Particulate Matter and Preventing Particulate Matter from Becoming Airborne.	04/10/04	[Insert date of publication <u>Federal Register</u> ] [Insert <u>Federal Register</u> citation]	Except 6.05(A).
6.14	Standards for Control of Particulate Matter on Paved Surfaces.	06/03/07	[Insert date of publication in the <u>Federal Register</u> ] [Insert <u>Federal Register</u> citation]	
6.15	Standards for Control of Particulate Matter on Unpaved Roads.	06/03/07	[Insert date of publication in the <u>Federal Register</u> ] [Insert <u>Federal Register</u> citation]	
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(e) \* \* \*

**TABLE 2 – ATTAINMENT, MAINTENANCE, AND OTHER PLANS**

<b>Name of SIP provision</b>	<b>Applicable geographic or nonattainment area</b>	<b>State submittal date</b>	<b>EPA approval date</b>	<b>Explanations</b>
* * * * *				
Particulate Matter (PM <sub>10</sub> ) 2nd 10-Year Limited Maintenance Plan	Spokane	1/4/16	[Insert date of publication in the <u>Federal Register</u> ] [Insert <u>Federal Register</u> citation]	

[FR Doc. 2016-08272 Filed: 4/11/2016 8:45 am; Publication Date: 4/12/2016]